

REMARKS

This response is submitted in response to a Final Office Action mailed March 14, 2008. Claims 1-8, 10-13, 18-21, 29-30, 55-61, and 70-83 were pending at the time the Office Action was issued. Applicant hereby amends Claims 1, 6-8, 10-11, 13, 19-21, 29, 55-59, 70-71, 73, and 75. Claims 1-8, 10-13, 18-21, 29-30, 55-61, and 70-83 remain pending.

I. REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-8, 10-13, 18-20, 55-61, and 70-83 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,599,194 to Smith (hereinafter “Smith”) in view of U.S. 6,043,818 to Nakano (hereinafter “Nakano”).

Claims 1-8 and 10-12

Claims 2-8 and 10-12 depend from Claim 1. Claim 1, as amended, recites:

1. A game console, comprising:
 - a memory;
 - a processor coupled to the memory; and
 - a console application stored in the memory and executable on the processor, the console application to facilitate access to multiple media types associated with a plurality of different media sources by presenting graphics on a user interface, the graphics including:
 - a plurality of different *graphical elements*, *each graphical element associated with one of the multiple media types*; and
 - a menu layout accessible via each of the graphical elements, the menu layout comprising:
 - a *list portion* showing a list of available titles of one of the multiple media types;

an *image portion* outside of the list portion, the image portion depicting an image from a title currently selected from the list of available titles of the one media type;

a *panel portion* outside of the list portion, the panel portion displaying descriptive information regarding the title currently selected from the list of available titles of the one media type,

wherein the multiple media types includes a game media type, a music media type, and a movie media type. (Emphasis added).

Applicant respectfully traverses the rejection. First, Smith does not disclose the menu layout recited in amended Claim 1. The disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation. *Elan Pharm., Inc. v. Mayo Foundation for Medical and Education Research*, 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003). MPEP § 2121.01.

In this instance, Smith discloses “the user interface 350 is the user interface which permits a user to select features provided by the application manager 352. The user interface therefore presents to the user a set of selectable operations.” (Smith, Column 22, Lines 58-61). However, Smith is silent with the specifics operations or layout of its user interface. This is acknowledged in the Office Action, which states “with regard to the specifics of the user interface, please see Nakano et al...” (Office Action, Page 5, Lines 5-6). Accordingly, Smith cannot disclose the menu layout, as recited in amended Claim 1.

Second, the deficiencies of Smith with respect to these elements are not remedied by Nakano. Nakano also does not disclose the menu layout recited in amended Claim 1.

Instead, Nakano discloses a screen mode where a user may select from “video file player,” “video CD player,” and “Game Arcade,” etc. (Nakano, Figure 4a). Nakano also discloses that its menu images are organized into categories, and that a category 1 menu images “displays the first level menus and has buttons of categories 2 to 4 therein...” and category 2 “is an Application folder for registered application software,” category 3 “shows application software which is of the third level,” and “category 4 shows a pop up dialogue box or a temporary window for setting and displaying.” (Nakano, Figure 3, 5, 11, 14; Column 5, Lines 27-39).

Moreover, while the other figures of Nakano show and describe various screen modes and menu images, Nakano does not show a menu layout, as recited in amended Claim 1:

- a menu layout accessible via each of the graphical elements, the menu layout comprising:
 - a *list portion* showing a list of available titles of one of the multiple media types;
 - an *image portion* outside the list portion, the image portion depicting an image from a title currently selected from the list of available titles of the one media type;
 - a *panel portion* outside the list portion, the panel portion displaying descriptive information regarding the title currently selected from the list of available titles of the one media type.

Thus, the cited references to Smith and Nakano, whether individually or in combination, do not teach, disclose, or fairly suggest every aspect of Claim 1. Furthermore, since Claim 2-8 and 10-12 depend from Claim 1, they are at least

allowable for the same reasons that make Claim 1 allowable over the cited references, as well as for additional limitations recited.

Claims 13 and 18-20

Claims 18-20 depend from Claim 13. Applicant respectfully traverses the rejection. Specifically, Applicant incorporates the reasoning presented above in response to the rejection of Claim 1 under 35 U.S.C. § 103(a), to the extent that the claims recite similar features. Accordingly, Applicant respectfully submits that the cited references to Smith and Nakano, whether individually or in combination, do not teach, disclose, or fairly suggest, as recited in amended Claim 13:

a collection menu that is accessible via the main menu, the collection menu comprising:

- a *list portion* showing one or more titles from one of a game media type, a music media, and a movie media type;
- an *image portion* outside of the list portion, the image portion depicting an image from a title currently selected from the list of available titles; and
- a *panel portion* outside of the list portion, the panel portion displaying descriptive information regarding the title currently selected from the list of available titles. (Emphasis added).

Furthermore, since Claims 18-20 depend from Claim 13, they are at least allowable for the same reasons that make Claim 13 allowable over the cited references, as well as for additional limitations recited.

Claims 55-61

Claims 56-61 depend from Claim 55. Applicant respectfully traverses the rejection. Specifically, Applicant incorporates the reasoning presented above in

response to the rejection of Claim 1 under 35 U.S.C. § 103(a), to the extent that the claims recite similar features. Accordingly, Applicant respectfully submits that the cited references to Smith and Nakano, whether individually or in combination, do not teach, disclose, or fairly suggest, as recited in amended Claim 55:

upon selection of one of the media types, navigating to a title collection menu that includes:

- a *list portion* showing a plurality of titles for the selected media type, the plurality of titles are associated with one of multiple different game sources, multiple different games sources, and multiple different movie sources;
- an *image portion* outside of the list portion, the image portion depicting an image from a title currently selected from the list of available titles; and
- a *panel portion* outside of the list portion, the panel portion displaying descriptive information regarding the title currently selected from the list of available titles. (Emphasis added).

Furthermore, since Claims 56-61 depend from Claim 55, they are at least allowable for the same reasons that make Claim 55 allowable over the cited references, as well as for additional limitations recited.

Claims 70-83

Claims 71-83 depend from Claim 70. Applicant respectfully traverses the rejection. Specifically, Applicant incorporates the reasoning presented above in response to the rejection of Claim 1 under 35 U.S.C. § 103(a), to the extent that the claims recite similar features. Accordingly, Applicant respectfully submits that the cited references to Smith and Nakano, whether individually or in combination, do not teach, disclose, or fairly suggest, as recited in amended Claim 70:

a title collection menu accessible from the main menu via a selection of one of the media types, the title menu comprising:

- a *list portion* showing a plurality of available titles for play on the game console from the selected media type, the plurality of available titles are associated with one of different game sources, different games sources, and different movie sources;
- an *image portion* outside of the list portion, the image portion depicting an image from a title currently selected from the list of available titles; and
- a *scrollable panel portion* outside of the list portion, the panel portion displaying *looped descriptive information* regarding the title currently selected from the list of available titles. (Emphasis added).

Furthermore, since Claims 71-83 depend from Claim 70, they are at least allowable for the same reasons that make Claim 70 allowable over the cited references, as well as for additional limitations recited.

Claims 21 and 29-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Nakano, and further in view of Sega Dreamcast user Manual (hereinafter “Sega”).

Claim 21

Claim 21 depends from Claim 13. Applicant respectfully traverses the rejection. Specifically, Applicant incorporates the reasoning presented above in response to the rejection of Claim 13 under 35 U.S.C. § 103(a). Accordingly, Applicant respectfully submits that the cited references to Smith and Nakano do not disclose, as recited in amended Claim 13:

a collection menu that is accessible via the main menu, the collection menu comprising:

- a *list portion* showing one or more titles from one of a game media type, a music media, and a movie media type;
- an *image portion* outside of the list portion, the image portion depicting an image from a title currently selected from the list of available titles; and
- a *panel portion* outside of the list portion, the panel portion displaying descriptive information regarding the title currently selected from the list of available titles. (Emphasis added).

Moreover, the deficiencies of Smith and Nakano are not remedied by Sega. As noted in the Office Action, Sega discloses a gaming console that enables a user to choose a gaming or music media type by inserting the appropriate disk. (Office Action, Page 7, Lines 7-9). However, Sega is silent with respect to the collection menu as recited in amended Claim 13. Thus, the cited references to Smith, Nakano, and Sega, whether individually or in combination, do not teach, disclose, or fairly suggest every aspect of Claim 13.

Furthermore, since Claim 21 depends from Claim 13, it is at least allowable for the same reasons that make Claim 13 allowable over the cited references, as well as for additional limitations recited.

Claims 29-30

Claim 30 depends from Claim 29. Applicant respectfully traverses the rejection. Specifically, Applicant incorporates the reasoning presented above in response to the rejection of Claim 1 under 35 U.S.C. § 103(a), to the extent that the claims recite similar features. Accordingly, Applicant respectfully submits that the cited references to Smith and Nakano do not disclose, as recited in amended

Claim 29:

a collection menu layout that is accessible by selecting a media type from one of the game media type, the music media type, and the movie media type identified by the main menu, the collection menu comprising:

- a *list portion* showing one or more available titles of the selected media type;
- an *image portion* outside of the list portion, the image portion depicting an image from a title currently selected from the list of available titles; and
- a *panel portion* outside of the list portion, the panel portion displaying descriptive information regarding the title currently selected from the list of available titles,

the one or more titles listed in the list portion being automatically populated therein based on a media type selected at the main menu.

Moreover, the deficiencies of Smith and Nakano are not remedied by Sega.

As noted in the Office Action, Sega discloses a gaming console that enables a user to choose a gaming or music media type by inserting the appropriate disk. (Office Action, Page 7, Lines 7-9). However, Sega is silent with respect to the collection menu layout as recited in amended Claim 29. Thus, the cited references to Smith, Nakano, and Sega, whether individually or in combination, do not teach, disclose, or fairly suggest every aspect of Claim 29.

Furthermore, since Claim 30 depends from Claim 29, it is at least allowable for the same reasons that make Claim 29 allowable over the cited references, as well as for additional limitations recited.

In closing, Applicant's decision not to discuss the differences between the cited art and each dependent claim should not be considered as an admission that Applicant concurs with the conclusions set forth in the Office Action that these dependent claims are not patentable over the disclosure in the cited references. Similarly, Applicant's decision not to discuss differences between the prior art and

every claim element, or every comment set forth in the Office Action, should not be considered as an admission that Applicant concurs with the interpretation and assertions presented in the Office Action regarding those claims. Indeed, Applicant believes that all of the dependent claims patentably distinguish over the references cited. Moreover, a specific traverse of the rejection of each dependent claim is not required, since dependent claims are patentable for at least the same reasons as the independent claims from which the dependent claims ultimately depend.

CONCLUSION

Applicant respectfully requests that the above-proposed amendments be entered and that pending claims 1-8, 10-13, 18-21, 29-30, 55-61, and 70-83 be allowed. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

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